

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re OPTIONABLE SECURITIES LITIGATION

**FILED ELECTRONICALLY**

07 Civ. 3753 (LAK)

**NOTICE OF MOTION AND MOTION OF THE VLK GROUP FOR (1) APPOINTMENT  
AS LEAD PLAINTIFF; AND (2) APPROVAL OF LEAD PLAINTIFF'S CHOICE OF  
LEAD COUNSEL**

TO: ALL PARTIES AND THEIR COUNSEL OF RECORD

Lead Plaintiff Movants Robert Viccione (“Viccione”), James Lemsky (“Lemsky”) and Neal H. Klein (“Klein”)(collectively, the “VLK Group”) will and hereby do move this Court on a date and at such time as may be designated by the Court at the United States Courthouse, 500 Pearl Street, New York, NY, 10007, for an order: (1) appointing the VLK Group as Lead Plaintiff pursuant to the Private Securities Litigation Reform Act; and (2) approving Lead Plaintiff’s choice of Lead Counsel.

This Motion is made on the grounds that: 1) the VLK Group believes it is the most adequate plaintiff possessing claims arising out of the Securities Act of 1933 and Securities Exchange Act of 1934, having suffered estimated losses of approximately \$236,075. In addition, the VLK Group meets the requirements of Rule 23 of the Federal Rules of Civil Procedure because its claims are typical of class members’ claims and it will fairly and adequately represent the class of persons that purchased Optionable securities between May 6, 2005 through May 14, 2007. Further, the VLK Group has selected and retained counsel experienced in securities class actions as its counsel.

The facts and law supporting this Motion are fully set forth in the accompanying Memorandum of Law and Declaration of Jeffrey P. Campisi dated July 10, 2007, both submitted in Support of the VLK Group’s Motion for: (1) Appointment of Lead Plaintiff; and (2) Approval of Lead Plaintiff’s Choice of Lead Counsel.

DATED: July 10, 2007

Respectfully submitted,

KAPLAN FOX & KILSHEIMER LLP

By: s/ Jeffrey P. Campisi

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*Attorneys for Lead Plaintiff Movants Robert  
Viccione, James Lemsky and Neal H. Klein*

**CERTIFICATE OF SERVICE**

I, Jeffrey P. Campisi, declare that, on July 10, 2007, I caused true and correct copies of the following:

- Notice of Motion and Motion of The VLK Group for: (1) Appointment as Lead Plaintiff; and (2) Approval of Lead Plaintiff's Choice of Lead Counsel;
- Memorandum of Law in Support of the Motion of The VLK Group for: (1) Appointment as Lead Plaintiff; and (2) Approval of Lead Plaintiff's Choice of Lead Counsel; and
- Declaration of Jeffrey P. Campisi in Support of the Motion of The VLK Group for: (1) Appointment as Lead Plaintiff; and (2) Approval of Lead Plaintiff's Choice of Lead Counsel;

to be served via the Court's ECF system to all counsel of record.

/s/ Jeffrey P. Campisi

Jeffrey P. Campisi